Administrative Remedy Attachment 4/14/15

Barrett Brown
45047-177

On March 31st, I used TRULINCS to message a journalist of my acquaintance about getting him in touch with another inmate who'd expressed willingness to speak to him about wrongdoing within the BOP. An hour later, I was unable to log back in to the system, receiving instead a message reading, "Denied: You do not have access to this service." Counselor Tovchik and Unit Manager Ivory were both unable to discern what the problem might be. When I sought out Coleman during lunch, I was pulled aside by Moore of the SIA, who told me that I wasn't supposed to have TRULINCS due to my "charge." He also noted that he had "reviewed" my messaging and determined that I had been "using it for the wrong things" which he then clarified, when prompted, to mean talking to the media.

Although certain points remain unclear due to the vague nature of Moore's explanation and the SIS's failure to follow policy, this incident would appear to be problematic due to the blatantly retaliatory nature of the messaging restriction, as shown both by the timing of the ban and by Moore's own statements. Refer to P5265.13, which declares that inmates who are excluded from TRULINCS are to be "notified of the specific reason(s) by a written explanation of the decision, unless possessing such written information would threaten the safety of the inmate, or other legitimate penological interests." I will be happy to point to several other apparent violations of BOP procedure as well as federal law after I have received the written explanation provided for by the above policy statement, which would presumably better allow me to understand the position that the institution plans to take on this matter.

I declare that the above statement is true, under penalty of perjury.

FTW 1330.13(F)
October 31, 2012
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY - ATTEMPT AT INFORMAL RESOLUTION

Inmate Name: Brown Barrett
Unit: SAL

Reg. No. 45047-177
Date: 4/7/15

Date Delivered to Inmate: 4/7/15

By (Staff Name): [illegible]

Bureau of Prisons Program Statement 1330.13 requires that "An inmate will first present an issue of concern informally to staff before an inmate submits a Request for Administrative Remedy." Also, the staff member must try to resolve the complaint informally before the inmate will be given a BP-229(13) form.

1. Write your complaint in this space, as briefly as possible, including details and facts which support your request.

See Attached

(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits. (Exhibits will not be returned with the response to BP-229(13) responses.)

2. What action do you wish to be taken to correct the situation?

[illegible]

3. What have you done to informally resolve this matter? To whom have you spoken?

[illegible]

****

Informal Resolution Submitted to (name of staff member): N Vargas Date: 04/14/15
Date Received from Staff: _____ (Response should ordinarily be within 3-5 calendar days).

The unit staff member who has attempted to resolve the matter informally will indicate below the efforts he has made. Be specific, but brief:

SEE Attached Response

Responded to by: SIA LT Date: 04-16-2015

Reviewed by Unit Manager: [illegible] Date: 4/16/15

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BP-229(13) Delivered to Inmate by: N Vargas Date: 4/20/15

4/20/15 u

U.S. Department of Justice **Request For Administrative Remedy**

Federal Bureau of Prisons

BP-9

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Brown, Barrett, L (LAST NAME, FIRST, MIDDLE INITIAL) 45047-177 (REG. NO.) San Antonio (UNIT) FCI Fort Worth (INSTITUTION)

Part A– INMATE REQUEST

On March 31st, shortly after I used TRULINCS to contact a journalist about BOP wrongdoing observed by another inmate, my messaging access was shut off for a year without explanation. Two days later SIA agent Moore told me I'm not supposed to have it in the first place, in which case it's unclear why it's only been taken away for a year and not for the duration of my sentence, and added that I'd been "using it for the wrong thing," which he clarified to mean talking to the press. Moore does not dispute this account of events, which I put forth in a BP8 to which he did not adequately respond. BOP policy requires that inmates receive written notification of specific reasons for loss of TRULINCS email access, or, if such a document might endanger the inmate, he is entitled to review it from his Central File. No such info exists in my Central File. I request that I be provided with that information, along with a copy of the Institution Supplement that the prison is required to provide detailing "Procedures surrounding discipline for misuse of the system," as listed in P4500.11, as well as an explanation as to whether or not the warden or his designee gave approval to Moore on this, as is also required by policy. If the institution is unable to comply, I request that my e-mail be restored and that all staff responsible for reviewing inmate e-mail be advised on policy in the future.

4/28/15 (DATE) [signature] (SIGNATURE OF REQUESTOR)

Part B– RESPONSE

DATE WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE CASE NUMBER: _____

Part C– RECEIPT

CASE NUMBER: _____

Return to: _____ (LAST NAME, FIRST, MIDDLE INITIAL) _____ (REG. NO.) _____ (UNIT) _____ (INSTITUTION)

SUBJECT: _____

BP-229(13)

From: Terrance Moore
To: Vargas, Nelson
Date: 4/16/2015 9:32 AM
Subject: BP-8 Inmate BROWN, Barrett # 45047-177

BP-8

Inmate Barrett Brown, Register Number 45047-177

Program Statement 5265.13, Trust Fund Limited Inmate Computer System (TRULINCS) - Electronic Messaging, dated February 19, 2009, states, "Inmates are excluded from electronic messaging when it is determined that their use would threaten the safety, security, or orderly running of the institution or the protection of the public and staff. Inmates excluded from program participation under this section are notified of the specific reason(s) by a written explanation of the decision, unless possessing such written information would threaten the safety of the inmate, or other legitimate penological interest(s).